

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6234

BILL NUMBER: SB 67

DATE PREPARED: May 1, 2001

BILL AMENDED: Apr 28, 2001

SUBJECT: Corrections, Criminal Law, and Procedures.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (CCR Amended) This bill has the following provisions:

(A) It provides an enhanced penalty for operating while intoxicated when the offender has a previous unrelated conviction for a violation that occurred before July 1, 2001.

(B) It eliminates a mathematical error in the definition of "minimum sentence" by changing the definition of "minimum sentence" for murder from 30 years to 45 years and by changing the definition of "minimum sentence" for a Class D felony from one year to one-half year.

Effective Date: (Amended) Upon passage; July 1, 2001.

Explanation of State Expenditures: (Revised) Provision A adds language to restore a reference to the defined term "previous conviction of operating while intoxicated" in the drunk driving law that was eliminated in HEA 1618-2001. Because this provision ensures that an existing section in the Indiana Code is not changed, no fiscal impact would be expected.

Provision B resolves the current conflict in the sentencing statute concerning how minimum sentences are determined for murder and Class D felonies. Consequently, the practical effect is that no change will occur in sentencing patterns of the trial courts.

While IC 35-50-2-1(c)(1) specifies that the minimum sentence for murder is 30 years, IC 35-50-2-3 states that the fixed term is 55 years with not more than 10 years added for aggravating circumstance and 10 years subtracted for mitigating circumstances.

For Class D felonies, IC 35-50-2-1 specifies that the minimum sentence is one year while IC 35-50-2-7 specifies that the fixed term is 1.5 years with 1.5 years added as aggravators and one year subtracted for mitigators.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Steve Johnson, Indiana Prosecuting Attorneys Council, Department of Correction.